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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,759

06/27/2003

Uwe Daemrich

10191/3140

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07/03/2006

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NEW YORK, NY 10004

EXAMINER

THAI, TUAN V

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,759

Applicant(s)

DAEMMRICH ET AL.

Examiner

Tuan V. Thai

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 1935.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-18, 20, 22-29, 31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 8-10, 19, 21, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/2/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Serial Number: 10/608,759

Art Unit: 2186

Part III DETAILED ACTION

Response to Amendment

1. This office action is in response to Applicant's communication filed March 27, 2006. This amendment has been entered and carefully considered. Claims 1-35 remain pending in the application.

2. The objection to drawing, figure 1 is withdrawn due to the amendment filed March 27, 2006.

3. The filing date of the priority document is not perfected since the priority document does not satisfy the enablement and description requirements of 35 U.S.C. 112, first paragraph because it appears that there are no support in the translated disclosure for the storing of the predefinable information, which is used to transfer the control unit into a defined state, in unused memory areas of the program memory where the computer program is not stored. There is no explicit support for not storing computer program in unused areas of the program memory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and

Serial Number: 10/608,759

Art Unit: 2186

of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 11 and 23, and their dependents, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There does not appear to be any support in the original disclosure for the storing of the predefinable information, which is used to transfer the control unit into a defined state, in unused memory areas of the program memory where the computer program is not stored. There is no explicit support for not storing computer program in unused areas of the program memory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a)

Serial Number: 10/608,759

Art Unit: 2186

shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7, 11-18, 22-29 and 33-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Von Wendorff (2003/0033562); hereinafter Von.

As per claims 1 and 11, Von teaches the invention as claimed including a device and method for storing a computer program in a program memory 2 of a control unit 1 (e.g. see abstract, figure 1), the method comprises storing the computer program contains instruction according to predefinable rules in specific memory areas of the program memory 2 (e.g. see para.[0027], lines 5 et seq.); and storing predefinable information (special code), which is used to transfer the control unit 1 into a defined (stable) state, in unused memory areas of the program memory (memory section 21) where the computer program is not stored (e.g. see para.[0028], lines 1-7 and para. [0029], lines 1-8);

As per claims 2 and 13, resetting the control unit by executing the predefinable information on a computing unit of the control unit (e.g. see para[0008], lines 5-7);

As per claims 3 and 14, wherein an interrupt service routine is invoked by executing the predefinable information on a computing unit of the control unit (e.g. see para.[0011], lines 10 et seq.; para.[0031], lines 1-6);

Serial Number: 10/608,759

Art Unit: 2186

As per claims 4 and 15, wherein an error handling routine is invoked by executing the predefinable information on a computing unit of the control unit (e.g. see para.[0031], lines 3-6; para.[0032], lines 1 et seq.);

As per claims 5 and 16, wherein the control unit is reset at the end of the interrupt service routine (e.g. see para.[0053], and para.[0056], lines 2-7);

As per claims 6 and 17, wherein the predefinable information (special code) is stored in unused memory areas of the program memory (memory section 21) where the computer program is not stored (e.g. see para.[0028], lines 1-7 and para. [0029], lines 1-8);

As per claims 7 and 18, wherein at least one unused memory area of the program memory is completely filled using the predefinable information (special code) (e.g. see para.[0028], lines 1 et seq.);

As per claims 12, wherein the second storing arrangement includes a hexadecimal editor is taught by Von to the extent that is being claimed; for example, the special code that is stored in section 21 together with memory device 2 is cyclic redundancy code or ECC code (e.g. see para.[0028], lines 5 et seq.) which is usually in hexadecimal form; noting that Von also discloses other codes can also be implemented (e.g. see para.[0028], lines 6-7);

As per claim 22, wherein the control unit is reset at the end of the error handling routine (e.g. see para.[0053], and

Serial Number: 10/608,759

Art Unit: 2186

para.[0056], lines 2-7);

As per claims 23-29, they encompass the same scope of invention as to that of claims 1-7 and 11, 13-18; the claims are therefore rejected for the same reason as being set forth above.

As per claim 33, wherein the control unit is reset at the end of the error handling routine (e.g. see para.[0053], and para.[0056], lines 2-7);

As per claim 34, resetting the control unit by executing the predefinable information on a microprocessor of the control unit (e.g. see para.[0056], lines 2-7);

As per claim 35, the further limitation of wherein the control unit is reset at the end of the error handling routine is taught as Von, for example, Von discloses that if one or more interrupt service routings by which the device to be controlled is brought into a defined state are erroneous, then a signal is generated, for example, reset a non-maskable interrupt (e.g. see para.[0056], lines 2 et seq.;

Allowable subject matter

8. Claims 8, 10, 19, 21, 30 and 32 are objected to as being dependent upon a rejected base claims 1, 11 and 23, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Claims 9, 20 and 31 are also allowable since they are depended upon the

Serial Number: 10/608,759

Art Unit: 2186

indicated allowable claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

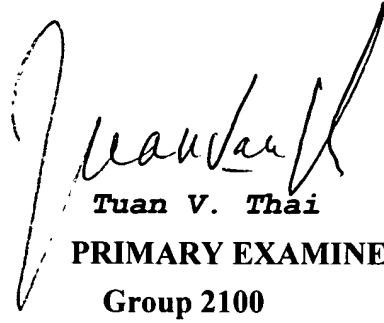
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-41287. The examiner can normally be reached from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Serial Number: 10/608,759

Art Unit: 2186

TVT/June 07, 2006



Tuan V. Thai
PRIMARY EXAMINER
Group 2100